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09/989,056	11/21/2001	Satoko Segawa	1359.1056	1202

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EXAMINER

FOX, BRYAN J

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 06/08/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/989,056

**Applicant(s)**

SEGAWA, SATOKO

**Examiner**

Bryan J Fox

**Art Unit**

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 7, 8, 10, 11 and 19 is/are rejected.
- 7) ☒ Claim(s) 3,4,6,9,12-18 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

The abstract of the disclosure is objected to because two paragraphs are used. The abstract should be written in one paragraph. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 5, 7, 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maruyama et al (US005732326A) in view of Wicks et al (US006060995A).

Regarding claim 1, Maruyama et al discloses an information guiding system that provides information about exhibits in an art museum or the like for visitors (see column 1, lines 9-11) where a signal transmitter is disposed in the vicinity of each exhibit so as

Art Unit: 2686

to transmit the number of the corresponding exhibit 11a through a feeble signal 12a to cordless portable terminal units carried by visitors 13a-13m (see column 4, lines 54-60 and figure 1). The portable terminal unit 13a transmits the service number for guiding to the radio base station 14a through a control channel so as to request the radio base station 14a to set a call to the audio response equipment 21, and the radio base station 14a transmits the call setting request to the exchange 15 through a wire circuit 31 and the exchange 15 sets a speech path 41a to the audio response equipment 21 in answer to the call setting request. Finally the portable terminal unit 13a transmits the audio file designating information to the audio response equipment and the audio sound signals are transmitted to the portable terminal unit (see column 5, lines 4-30 and figure 1). The audio response equipment 21 reads on the claimed virtual communication space, the exhibits read on the claimed sensed information of the real world and the audio files correspond to information that is shared in the real world. The radio base station 14a transmitting the audible sound signals to the portable terminal unit 13a (see column 5, lines 20-25) reads on the claimed "communication medium providing a communication channel that makes communication in a limited space of the real world possible". The portable unit 13a receiving the signal from the exhibit as described above reads on the claimed "user terminal comprising a communication channel identification information sensing means for sensing identification information of a communication channel that has been assigned in that limited space of the real world". The portable unit requesting from the radio base station 14a the audio files corresponding to the exhibit as described above reads on the claimed "channel login means for selecting a communication

channel based on the communication channel identification information". The audio response equipment reads on the claimed "virtual communication space providing means comprising a communication means". The exhibit feeble signal transmitter 12a reads on the claimed "communication channel identification information transmission means for transmitting identification information of the assigned communication channel to the user terminals". Maruyama et al fails to teach the inputting of information.

Wicks et al discloses a paging system that shares nightlife information with users registered for the service (see column 2, lines 22-27) and allows users to input information to be shared to the nightlife database (see column 2, lines 54-63), which reads on the claimed "means for inputting information" and "user-sent information storage means for storing information that has been sent by a user terminal; and a user-sent information providing means for providing information stored in the user-sent information storage means to the user terminal logged into the communication channel".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Maruyama et al with Wicks et al to include the above user inputs in order to allow an even more effective means of gathering information by allowing users to provide information of which they become aware as suggested by Wicks et al (see column 4, line 63 – column 5, line 6).

Regarding claim 5, the combination of Maruyama et al and Wicks et al discloses a system with an exchange 15 (see Maruyama et al figure 1), which reads on the claimed "supervisor terminal outside the limited space of the real world" and a radio base station 14a that communicates with the exchange 15, which reads on the claimed

"communication means comprises an external communication means for external communication with the supervisor terminal". The portable terminal unit 13a transmits the service number for guiding to the radio base station 14a through a control channel so as to request the radio base station 14a to set a call to the audio response equipment 21, and the radio base station 14a transmits the call setting request to the exchange 15 through a wire circuit 31 and the exchange 15 sets a speech path 41a to the audio response equipment 21 (see Maruyama et al column 5, lines 4-25), which reads on the claimed "the supervisor terminal comprises a channel login means for logging into the communication channel on which communication has become possible with the external communication means". Users may also input information which gets stored in database 45 and sent to other subscribers whose profile it matches (see Wicks et al column 5, lines 14-22), which reads on the claimed "communication application for sending and receiving information via the communication channel, wherein information can be sent and received among user terminals in the limited space of the world via the virtual communication space providing means".

Regarding claim 7, the combination of Maruyama et al and Wicks et al discloses a feeble signal generator 12a that transmits the number of the corresponding exhibit through a feeble signal to the portable terminal unit 13a which receives the number (see column 4, lines 54-63), which reads on the claimed "the communication channel identification information transmission means includes a communication channel identification information notifying means for notifying the assigned transmission channel identification information wirelessly; and wherein the communication channel

identification information sensing means is a receiving means sensing communication channel identification information that has been notified wirelessly from the communication channel identification information notifying means”.

Regarding claim 8, the combination of Maruyama et al and Wicks et al discloses a system with an exchange 15 (see Maruyama et al figure 1), which reads on the claimed “supervisor terminal outside the limited space of the real world” and a radio base station 14a that communicates with the exchange 15, which reads on the claimed “communication means comprises an external communication means for external communication with the supervisor terminal”. The portable terminal unit 13a transmits the service number for guiding to the radio base station 14a through a control channel so as to request the radio base station 14a to set a call to the audio response equipment 21, and the radio base station 14a transmits the call setting request to the exchange 15 through a wire circuit 31 and the exchange 15 sets a speech path 41a to the audio response equipment 21 (see Maruyama et al column 5, lines 4-25), which reads on the claimed “the supervisor terminal comprises a channel login means for logging into the communication channel on which communication has become possible with the external communication means”. Users may also input information which gets stored in database 45 and sent to other subscribers whose profile it matches (see Wicks et al column 5, lines 14-22), which reads on the claimed “communication application for sending and receiving information via the communication channel, wherein information can be sent and received among user terminals in the limited space of the world via the virtual communication space providing means”.

Regarding claim 19, Maruyama et al discloses an information guiding system that provides information about exhibits in an art museum or the like for visitors (see column 1, lines 9-11) where a signal transmitter is disposed in the vicinity of each exhibit so as to transmit the number of the corresponding exhibit 11a through a feeble signal 12a to cordless portable terminal units carried by visitors 13a-13m (see column 4, lines 54-60 and figure 1). The portable terminal unit 13a transmits the service number for guiding to the radio base station 14a through a control channel so as to request the radio base station 14a to set a call to the audio response equipment 21, and the radio base station 14a transmits the call setting request to the exchange 15 through a wire circuit 31 and the exchange 15 sets a speech path 41a to the audio response equipment 21 in answer to the call setting request. Finally the portable terminal unit 13a transmits the audio file designating information to the audio response equipment and the audio sound signals are transmitted to the portable terminal unit (see column 5, lines 4-30 and figure 1). The radio base station 14a transmitting the audible sound signals to the portable terminal unit 13a (see column 5, lines 20-25) reads on the claimed "communication control program for controlling a communication means for providing a communication channel that makes communication in a limited space of the real world possible". The portable unit 13a receiving the signal from the exhibit as described above reads on the claimed "user terminal processing program comprising a processing operation of sensing identification information of communication channels that have been provided by the communication means". The portable unit requesting from the radio base station 14a the audio files corresponding to the exhibit as described above reads on the claimed



"channel login processing operation of selecting communication channels based on the communication channel identification information". The audio response equipment reads on the claimed "virtual communication space providing processing program comprising a processing operation of logging into user terminals by a assigning communication channel to user terminal present in the limited space of the real world". The exhibit feeble signal transmitter 12a reads on the claimed "communication channel identification information transmission processing operation of transmitting identification information of an assigned communication channel to a user terminal". Maruyama et al fails to teach the inputting of information.

Wicks et al discloses a paging system that shares nightlife information with users registered for the service (see column 2, lines 22-27) and allows users to input information to be shared to the nightlife database (see column 2, lines 54-63), which reads on the claimed "communication application for sending and receiving information via the communication channel" and "user-sent information storage processing operation of storing information that has been sent by a user terminal via the communication channel; and a user-sent information providing processing operation of providing information stored in the user-sent information storage processing operation to the user terminal accessible via the communication channel".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Maruyama et al with Wicks et al to include the above user inputs in order to allow an even more effective means of gathering information by allowing

users to provide information of which they become aware as suggested by Wicks et al (see column 4, line 63 – column 5, line 6).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maruyama et al in view of Wicks et al as applied to claim 1 above, and further in view of Chavez, Jr (US006292672B1).

Regarding claim 2, the combination of Maruyama et al and Wicks et al fails to expressly disclose that a user will be automatically logged out upon exiting an area.

Chavez, Jr discloses a wireless system where when one terminal departs from the group, a message is sent informing other members of the terminal's departure (see column 1, lines 55-60), which reads on the claimed "the user terminal logs out of the communication channel to which it is logged in by retiring from the virtual communication space".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Maruyama et al and Wicks et al with Chavez, Jr to include the above automatic logout so that a user does not need to worry about logging out and thus providing a more user-friendly interface.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maruyama et al in view of Wicks et al as applied to claim 1 above, and further in view of Hollenberg (US006091956A).

Regarding claim 10, the combination of Maruyama et al and Wicks et al fails to teach the use of a communication channel identification information display means.

Hollenberg discloses a situation information system where a user can use a bar-code reader built into a device to search and receive information about plants, animals or the like that they encounter in a zoo (see column 6, lines 60-64). The display of the bar code reads on the claimed "communication channel identification information display means is a communication channel identification information display means for displaying the assigned communication channel identification information", and the built-in bar-code reader reads on the claimed "communication channel identification information sensing means is a reading means for reading the communication channel identification information displayed by the communication channel identification information display means".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Maruyama et al and Wicks et al with Hollenberg to include the above built-in bar-code reader in order to allow a user to save time by obtaining product pricing information by scanning the UPC of a product in a store instead of waiting in line as suggested by Hollenberg (see column 2, lines 16-23).

Regarding claim 11, the combination of Maruyama et al, Wicks et al and Hollenberg discloses a system with an exchange 15 (see Maruyama et al figure 1), which reads on the claimed "supervisor terminal outside the limited space of the real world" and a radio base station 14a that communicates with the exchange 15, which reads on the claimed "communication means comprises an external communication means for external communication with the supervisor terminal". The portable terminal unit 13a transmits the service number for guiding to the radio base station 14a through

a control channel so as to request the radio base station 14a to set a call to the audio response equipment 21, and the radio base station 14a transmits the call setting request to the exchange 15 through a wire circuit 31 and the exchange 15 sets a speech path 41a to the audio response equipment 21 (see Maruyama et al column 5, lines 4-25), which reads on the claimed "the supervisor terminal comprises a channel login means for logging into the communication channel on which communication has become possible with the external communication means". Users may also input information which gets stored in database 45 and sent to other subscribers whose profile it matches (see Wicks et al column 5, lines 14-22), which reads on the claimed "communication application for sending and receiving information via the communication channel, wherein information can be sent and received among user terminals in the limited space of the world via the virtual communication space providing means".

***Allowable Subject Matter***

Claims 3, 4, 6, 9, 12-18 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 3, the prior art applied fails to teach or render obvious the system for providing a virtual communication space according to claim 1, wherein the

user-sent information providing means provides user-sent information by posting information on an electronic bulletin board that is maintained for a certain period of time.

Regarding claim 4, the prior art fails to teach or render obvious a system for providing a virtual communication space according to claim 1, wherein the user-sent information providing means provides user-sent information by providing all user-sent information that has been accumulated as history of a predetermined period of time prior to login to user terminals that have newly logged into the communication channel, and thereafter immediately exchanging user-sent information among user terminal that are logged in as chat.

Regarding claim 6, the prior art applied fails to teach or render obvious the system for providing a virtual communication space according to claim 5, wherein the supervisor terminal further comprises a user-sent information collecting means for collecting the sent records of user-sent information that has been stored by the user-sent information storage means, and a user-sent information database accumulating the user-sent information that has been collected, and the supervisor terminal further comprises a keyword classification means for classifying by keyword the content of the user-sent information in the user-sent information database, a user-sent information analyzing means for analyzing statistical qualities of the user-sent information that has been classified by keyword, and a direct electronic mail sending means for sending information that is associated with the keyword classification to the user terminal that has sent the user-sent information that has been classified by keyword.

Regarding claim 9, the prior art applied fails to teach or render obvious the system for providing a virtual communication space according to claim 8, wherein the supervisor terminal further comprises a user-sent information collecting means for collecting the sent records of user-sent information that has been stored by the user-sent information storage means, and a user-sent information database accumulating the user-sent information that has been collected, and the supervisor terminal further comprises a keyword classification means for classifying by keyword the content of the user-sent information in the user-sent information database, a user-sent information analyzing means for analyzing statistical qualities of the user-sent information that has been classified by keyword, and a direct electronic mail sending means for sending information that is associated with the keyword classification to the user terminal that has sent the user-sent information that has been classified by keyword.

Regarding claim 12, the prior art applied fails to teach or render obvious the system for providing a virtual communication space according to claim 11, wherein the supervisor terminal further comprises a user-sent information collecting means for collecting the sent records of user-sent information that has been stored by the user-sent information storage means, and a user-sent information database accumulating the user-sent information that has been collected, and the supervisor terminal further comprises a keyword classification means for classifying by keyword the content of the user-sent information in the user-sent information database, a user-sent information analyzing means for analyzing statistical qualities of the user-sent information that has been classified by keyword, and a direct electronic mail sending means for sending

information that is associated with the keyword classification to the user terminal that has sent the user-sent information that has been classified by keyword.

Regarding claim 13, the prior art applied fails to teach or render obvious the system for providing a virtual communication space according to claim 1, wherein the user terminal further comprises a position detecting means for detecting position information, and the virtual communication space providing means further comprises a position / communication channel correspondence table showing the correspondence between position information of the real world and communication channel identification information assigned to places indicated by that position information; and wherein the communication channel identification information sensing means is a means for notifying the detected position information to the virtual communication space providing means, and sensing the communication channel identification information that is returned based on the position / communication channel correspondence table.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

DeMont (US006351640B1) discloses initiating a telecommunications call to a party based on an identifying signal wirelessly transmitted by the party of its proxy.

Whiteside (US005835861A) discloses enhanced automatic operation of wireless telephones.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J Fox whose telephone number is (703) 305-8994. The examiner can normally be reached on Monday through Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJF

*Nguyen Vo*  
5-28-04

**NGUYENT.VO**  
**PRIMARY EXAMINER**